

Supreme Court, Bronx County
851 Grand Concourse Bronx, NY 10451
JUSTICE BIANKA PEREZ – PART 14 RULES (ROOM 704)

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EFFECTIVE MARCH 2023

ALL COURT APPEARANCES IN PART 14 WILL BE HELD IN-PERSON

In compliance with 22 NYCRR 202.1, counsels who appear before the Court must be familiar with the case, be fully prepared and authorized to discuss and resolve the issues which are scheduled to be the subject of the appearance. Counsels are expected to be on time for all scheduled appearances. Tardiness may result in dismissal or default per 22 NYCRR 603.25.

All attorneys of record are required to register to their respective matters on NYSCEF.

I. Discovery Conferences

In compliance with statewide Administrative Orders, the parties are expected to complete outstanding discovery on pending matters using every available technology (including paper discovery, depositions and IMEs, if possible), and must make every effort to resolve discovery disputes without the need for Court intervention (see generally, 22 NYCRR 202.7[c]; Justice Gonzalez Administrative Order dated June 24, 2020; and Administrative Order AO/129/20).

In compliance with 22 NYCRR 202.23, counsel for all parties shall consult prior to a preliminary or compliance conference about (1) resolution of the case, in whole or in part; (2) discovery, and other issues to be discussed at the conference; (3) the use of alternative dispute resolution to resolve all or some of the issues in the litigation; and (4) any voluntary or information exchange of information that could assist with early settlement of the case. Counsels must make a good faith effort to reach agreement on these matters prior to conference.

Status & Compliance Conference appearances will be held in the following manner:

On or before the Status/Compliance Conference date:

Status and compliance conference dates function as control dates. Conferences without a disposition, such as a stipulation, will be administratively adjourned. In order to hold a conference, parties must submit a request to be heard on discovery disputes in compliance with 22 NYCRR 202.23.

(1) **If the parties agree on all issues relating to outstanding discovery**, the parties shall e-file and e-mail a fully executed stipulation to BxSupCiv-IA14@nycourts.gov. If acceptable, the stipulation will be approved and sent to the Clerk for uploading without the need to appear for the scheduled conference.

(2) **If the parties cannot agree on outstanding discovery issues despite good faith efforts to resolve the dispute without Court intervention**, the parties shall e-file and/or e-mail a request for a compliance conference to BxSupCiv-IA14@nycourts.gov. Include the case name, index number, and a brief description of the issue. If applicable, also include a copy of the most recent compliance conference order/stipulation. Please make sure to copy all other parties in the case on any e-mail sent to the Court.

(3) **If all parties agree that discovery is complete**, the parties shall e-file and e-mail a stipulation to BxSupCiv-IA14@nycourts.gov on or before the scheduled Status/Compliance conference date. The stipulation must certify that all discovery is complete and provide for the filing of the Note of Issue. The Court will provide a date by which the Note of Issue must be filed and the stipulation will be sent to the Clerk for uploading.

(4) Requests for EBT rulings must be made before the assigned *ex-parte* Judge and not Part 14.

II. Pre-Trial and Settlement Conferences

A. Pre-Trial Conferences

As with CCs, pre-trial conference dates function as control dates. Parties must submit a request to schedule a pre-trial and/or settlement conference regardless of a scheduled PTC date. The Court will not entertain pre-trial and settlement conferences unless all discovery is complete and a Note of Issue is filed.

On or before the designated Pre-Trial Conference date, the parties shall e-file and e-mail a notice to the Court (BxSupCiv-IA14@nycourts.gov) indicating whether:

1. The parties are requesting a pre-trial settlement conference before the Judge;
2. The parties are agreeing to binding arbitration, a summary jury trial, or a bench trial;
3. The parties have agreed to settle the matter, including the settlement amount if not confidential; or
4. The parties are advising that none of the above applies, and there are no outstanding pre-trial issues in the matter that require Court intervention/resolution.

If the parties do not contact the Court in advance of the scheduled pre-trial conference date, the pre-trial conference will be administratively adjourned to a future date. **Cases where at least 18 months have elapsed from the NOI filing date will be placed on the STP calendar.** If parties would like to have the case referred to STP, please email BxSupCiv-IA14@nycourts.gov.

B. Settlement Conferences

Part 14 conducts its settlement conference/ADR calendar **in-person**. Please adhere to the following guidelines to request a settlement conference:

1. Parties shall confer with one another and come up with an agreeable date and time, and e-mail the request to BxSupCiv-IA14@nycourts.gov. In the request, please include the case name, index number, the names and contact phone number for the attorneys. ***In addition, please disclose the insurance policy limits for the defendant(s).**
2. Make sure that all parties are included on any e-mail communication to the Court.
3. **Anyone appearing at a settlement conference is expected to be fully familiar with the file, have full authority to resolve the case, and/or immediate access to their client to obtain such authority. Plaintiff(s) and claims representatives should be available by phone at the time of the conference.**

Be advised that additional vertical calendars can be arranged with specific carriers and firms. If you have a case inventory that would benefit from a vertical calendar day, please advise the Court via email.

III. Motions

A. Summary Judgment.

Summary judgment motions must be filed within sixty (60) days after the filing of the Note of Issue. A summary judgment motion filed in violation of this deadline may be considered by the Court upon a detailed demonstration of good cause (*i.e.* due to the COVID-19 Pandemic) and lack of prejudice.

Motions for summary judgment shall include a statement of the material facts as to which the moving party contends there is no genuine issue to be tried, as set forth in 22 NYCRR 202.8-g (a)-(b).

B. Discovery.

Discovery motions are highly discouraged. Pursuant to 22 NYCRR 202.20-f, discovery disputes should be resolved through informal procedures, such as conferences, to the maximum extent possible.

Prior to the submission of any motions on discovery-related matters, counsels must first seek a conference with the Court to resolve discovery disputes. Prior to seeking a conference with the Court, parties must make good faith efforts to resolve disputes without Court intervention in compliance with Administrative Judge Gonzalez's September 22, 2021 AO.

Discovery motions shall be supported by an affidavit or affirmation from counsel, as set forth in 22 NYCRR 202.20-f.

C. Adjournment Stipulations and Requests.

Stipulations to adjourn the return date of a motion must be made in writing and submitted to the Court. No more than three stipulated adjournments, for a total period of 60 days, shall be submitted without prior permission of the Court.

Regardless of the agreed upon adjourn date on the parties' stipulation or request, the Court will only adjourn motions for 60 days at a time.

Upon expiration of the first 60 days, parties may stipulate to another 60 day adjournment, up to 3 adjournments. For any further adjournments, the parties must seek leave from the Court to further adjourn the return date if necessary.

D. Other Guidance on Motion Practice.

All motions will be decided "on submission" unless specifically scheduled for oral argument/conference before the Court. Any party may request oral argument of a motion by letter accompanying the motion papers, pursuant to 22 NYCRR 202.8-f (a).

Where appropriate, proposed orders should be submitted with motions pursuant to 22 NYCRR 202.8-a.

Parties shall abide by the word count limits set forth in 22 NYCRR 202.8-b. The Court may permit oversize submissions upon oral or letter application on notice to all parties.

Please contact the Court immediately if there are any developments in a case that would affect the resolution of a pending motion (i.e., settlement, withdrawal, etc.), pursuant to 22 NYCRR 202.28(a)-(b). Please make sure to copy all other parties in the case on any e-mail sent to the Court.

Chambers does not require working copies of electronically-filed motion papers (see Administrative Order AO/121/20).

E. Orders to Show Cause

Orders to Show Cause are decided "on submission" unless specifically scheduled for oral argument/conference before the Court. Where appropriate, movant shall submit a proposed Order to expedite relief. Proposed Orders should be e-filed and emailed to the Law Clerks in Word format.

IV. Infant Compromise

Once the Infant Compromise Order and necessary documents have been submitted to the Clerk's Office in Room 217, the Court shall review the Order and documents, and shall approve and schedule a hearing. Justice Perez's chambers will schedule an in-person hearing and inform the parties via email.

Please note that the infant(s)' appearance will not be waived unless, in the interest of justice, there is a valid reason to do so. Plaintiff's counsel must make all arrangements to have the infant and the parent/natural guardian appear on the hearing date.